

DELEGATE CLAGETT: No, it is not solely one of form. It is to carry out the restriction upon the General Assembly that if it attempts to act by way of a general law, the prohibition or limitation with respect to exemption from that general law will still apply.

However, the basic purpose is not only to restrict the General Assembly in these eight areas from enacting local laws but to try to have the General Assembly eventually act only on a state-wide level passing general laws. The past practice has been to enact local laws and in some areas it has been determined that they must have that degree of flexibility.

We are continuing the practice of local laws in those specific areas, but the distinction is a clear one. When it attempts to act by way of the guise of the general law then no exemption shall be permitted.

THE PRESIDENT: Delegate Hanson.

DELEGATE HANSON: Mr. President, I hesitate to speak because I feel that the assembly is ready to vote, but I am not altogether certain that the assembly yet knows what the issues are. I support Delegate Clagett's amendment, and I do it for this reason: I am somewhat reluctant to provide any exceptions to general law because of the sorry practice in this State and other states of both exceptions and of local legislation. I think there is a considerable difference between a local law which ought to be permitted under the exemptions to the general law rule and an exemption from general law.

In other words, what I take to be intent of both the Committee on Style and the Committee on Local Government, and an intent which I can agree in the interests of doing something useful, is that the General Assembly can pass only general laws, period, but in eight areas it can pass local laws, and these eight areas in which local laws can be passed are enumerated and local laws apply to only one county or one or two counties in the case of a multi-county governmental unit.

Now, concerning the fact that the General Assembly may not exempt a county from any general law. If that general law happens to deal with natural resources, then just because natural resources is enumerated here, the General Assembly should not be able to exempt a county from a general law relating to water pollution, for example.

On the other hand, under this section the General Assembly could pass a local law

that would relate to water pollution in one county or in two counties in three counties and the local laws might differ from county to county. But if there were a general law, no county should be exempted from that general law.

Now, this is a situation which seems to me to be desirable. It is the situation which Delegate Clagett is attempting to achieve in his amendment. It is the situation which I believe the Local Government Committee wanted and which I believe the Committee on Style decided, and for that reason I support the Clagett amendment.

THE PRESIDENT: Delegate Winslow.

DELEGATE WINSLOW: Mr. President, I move the previous question.

THE PRESIDENT: The motion for the previous question has been duly seconded.

All those in favor signify by saying Aye; contrary No. The Ayes have it. It is so ordered.

The question arises on the adoption of Amendment No. 16-A as a substitute for Amendment No. 16 to Committee Recommendation LB-1, LB-2, and LB-3 as amended by S&D-16. This is not a final vote on the adoption of Amendment No. 16-A. If the motion is carried, Amendment No. 16-A will be substituted for Amendment No. 16 and you will then vote on its adoption. If the motion is lost, the question will be before you on the adoption of Amendment No. 16.

The vote now is on the adoption of Amendment No. 16-A as a substitute for Amendment No. 16. A vote Aye is a vote in favor of the substitution. A vote No is a vote against.

Cast your votes.

Has every delegate voted?

Delegate Boileau.

DELEGATE BOILEAU: Aye.

THE PRESIDENT: Delegate Boileau votes Aye.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 61 votes in the affirmative and 60 in the negative, the motion carries. Amendment No. 16-A is substituted for Amendment No. 16.